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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

**IN RE: 38 FIREARMS and ASSORTED
AMMUNITION.**

Miscellaneous No.: 24-MC-148-SWS

**UNITED STATES' THIRD STIPULATED MOTION FOR EXTENSION OF TIME TO
FILE COMPLAINT FOR FORFEITURE**

The United States of America, by and through Assistant United States Attorney Jeremy A. Gross, and pursuant to 18 U.S.C. § 983(a)(3)(A), moves this Court to extend the time in which the United States is required to file a civil forfeiture action from September 16, 2024, to November 18, 2024. In support of this motion, the United States provides the following:

1. On November 21, 2023, Special Agents with the Department of Alcohol, Tobacco, Firearms, and Explosives (ATF) served three federal search warrants at 13 Valley Rd. Sheridan, WY 82801. Both Randall Kane and Noreen Scroggin resided at the property and were subject to the search, though no arrest was made. ATF conducted the search as part of an investigation into Randall Kane's possession of firearms despite a previous Federal felony conviction.

2. During the search, ATF agents seized 38 firearms and hundreds of pounds of ammunition. A list of those seized assets is attached to the government's original motion as Exhibit 1. (Doc. 1-1)
3. Subsequent to the seizure, the ATF initiated administrative forfeiture proceedings against the assets listed in Doc 1-1.
4. On February 14, 2024, Noreen Scroggin filed a claim to six of the assets listed in Doc 1-1.
5. On February 14, 2024, Randall Kane filed an administrative claim to the remaining sixty assets listed in Doc 1-1.
6. On April 27, 2024, ATF received a claim from Phillip Kane for twenty of the firearms listed in Doc 1-1.
7. On May 1, 2024, ATF received a claim from Julie Kane for two of the firearms listed in Doc 1-1.
8. Based on the filing of these claims, and pursuant to 28 CFR § 8.10, the ATF forwarded the claims to the United States Attorney's Office for the District of Wyoming.
9. Pursuant to 18 U.S.C. § 983(a)(3)(A)–(C), the United States is required to file a civil complaint for forfeiture against the subject assets or obtain an indictment alleging that the property is subject to forfeiture no later than 90 days after a claim has been filed. In this case, the United States originally had until May 14, 2024, to file a complaint or indict.
10. However, pursuant to 18 U.S.C. § 983(a)(3)(A), the Court “may extend the period for filing a complaint for good cause shown or upon agreement of the parties.”
11. Under this authority, the United States filed its first motion for an extension of time to file the complaint on May 10, 2024. (Doc. 1). The Court granted that motion, giving the United States until July 15, 2024, to file a complaint. (Doc 2).

12. The United States filed its second motion for an extension of time to file the complaint on July 9, 2024. (Doc. 3). The Court granted that motion, giving the United States until September 16, 2024, to file a complaint. (Doc. 4).
13. Noreen Scroggin and Randall Kane are currently both represented by Jason M. Tangeman with Nicholas & Tangeman, LLC. Undersigned contacted Mr. Tangeman, who indicates that his clients consent and stipulate to an additional extension of the deadline to file a civil complaint.
14. Undersigned counsel contacted Phillip Kane and Julie Kane at the telephone numbers they provided in their administrative claim forms. Both individuals expressed consent to the request for additional time to file the civil complaint.
15. Since the time of the last extension, settlement talks have progressed. The United States has been in discussions with Mr. Tangeman and his clients regarding settlement. The parties simply need more time to effectuate the initial understanding they have developed. Furthermore, none of the parties would benefit from initiation of a civil suit at this time, as the intent of such a suit would be to terminate the rights of all potential claimants. Since all claimants have expressed an interest in the assets, none of them would benefit from a civil forfeiture action. Accordingly, extending this deadline will conserve judicial resources that would otherwise be spent litigating a civil complaint for forfeiture.

WHEREFORE, the United States respectfully requests that the time in which the United States is required to file a complaint against the assets listed in Doc 1-1 is extended to November 18, 2024.

Respectfully submitted this 13th day of September 2024.

ERIC HEIMANN
Acting United States Attorney

By:


JEREMY A. GROSS
Assistant United States Attorney

/s/ Jason Tangeman
Jason Tangeman
Nicholas & Tangeman, LLC

CERTIFICATE OF SERVICE

It is hereby certified on the 13th day of August 2024, a true and correct copy of the foregoing Third Stipulated Motion for Extension of Time to File Complaint for Forfeiture was served upon the following, by U.S. Mail:

Randall Kane
13 Valley Road
Sheridan, WY 82801

Phillip Kane
316 Highway 335
Sheridan, WY 82801

Noreen Scroggin
13 Valley Road
Sheridan, WY 82072

Julie Kane
1526 S. Mountain View Dr.
Sheridan, WY 82801

Nicholas & Tangeman, LLC
Attn: Jason Tangeman
2021 Fox Court
Laramie, WY 82072

/s/ Elizabeth Kilmer
United States Attorney's Office